

JOHN S. PANGELINAN

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Pro se

FILED
Clerk
District Court

APR 30 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

**IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

JOHN S. PANGELINAN

Plaintiff,

v.

**DAVID A. WISEMAN, ALEX R. MUNSON,
CRAIG N. MOORE, MARGARITA D.L.G.
WONENBERG, MELINDA N. BRUNSON,
JOSEPH AUTHER, DONALD HALL, WOLF
CALVERT, GRAND JURORS 1 Thru 23,
JURORS 1 Thru 12, ROY E. ALEXANDER
ROBERT T. TORRES, LILLIAN A. TENORIO
and RUFO T. MAFNAS**

Defendants,

**ANGELITO TRINIDAD, RONNIE PALOMO,
HERMAN TEJADA, ESPERANZA DAVID,
ANTONIO ALOVERA and UNITED STATES
OF AMERICA,**

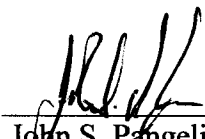
Respondents.

Civil Action No. 08-0004

**EX PARTE MOTION TO
STRIKE FROM THE RE-
CORD THE FILING BY
FEDERAL DEFENDANTS
OF THEIR REPLY IN
SUPPORT OF FEDERAL
DEFEDANTS' MOTION
TO DISMISS WITHOUT
LEAVE TO AMEND**

COMES NOW, John S. Pangelinan, referred hereafter as “Pangelinan”, and moves this court to strike from the record individual federal defendants’ Reply in Support to the Federal Defendants’ Motion to Dismiss Without Leave to Amend (Reply), filed on April 17, 2008, as the *service* of the Reply was made seven days too late and contrary to Local Rule 7.1, c.,3. of this Court: “The movant shall serve and file any reply to the opposition...” “As used in statutes, the word ‘shall’ is generally imperative or mandatory.” Nat’l Assoc. of Homes v. Defenders, 168 L.Ed.2d 467 (2007). The record shows that the Reply was timely filed on the last day its was supposed to be filed and served (Pangelinan filed and served his opposition to their Rule 12(b) motion on April 7, 2008) but it was served on Pangelinan by mail on April 23, 2008, Washington, DC date—certificate of service from a Virginia G. Lago for the federal defendants was filed on April 24, 2004, Saipan date, showing that it was served on the same day, the 23rd day of April in Washington, DC. See, Certificate of Service attached to Pangelinan’s declaration. This motion is made *ex parte* as this is strictly a procedural matter in setting the record right. This motion is made just today because it was only yesterday that Pangelinan received in the mail his copy of the Reply. See, Pangelinan’s attached declaration. See also, Pangelinan’s *ex parte* motion filed April 25, 2008.

Dated this 30th day of April, 2008.



John S. Pangelinan
Plaintiff, *pro se*